

Notice of Allowability

Application No.

10/622,868

Examiner

Eric D. Bertram

Applicant(s)

KELLY ET AL.

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment received on 12/20/2006.
2. ☒ The allowed claim(s) is/are 1,3,4,6-8,17-25,35,37-39,41,42,84-91 and 93-98.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070304.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary Redman on 3/2/2007.

The application has been amended as follows:

Cancel claims 36 and 92.

Claim 35 has been amended to read as follows:

A method of charging an energy storage device of an external defibrillator that is configured to provide a defibrillation shock to a patient, comprising the steps of:

initiating a physiology analysis of the patient;

completing said physiology analysis of the patient;

initiating a charge of said energy storage device after said initiating said physiology analysis and before said completing said physiology analysis;

measuring a physical parameter of the patient;

determining a rate for charging said energy storage device after said measuring said physical parameter of the patient to substantially complete said charging at a desired point in time, wherein said rate of charging is at least partially based on said physical parameter; and

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applying the defibrillation shock to the patient without human intervention.

In claims 37, 41 and 42, the phrase "claim 36" has been deleted and been replaced with --claim 35--.

Claim 91 has been amended to read as follows:

A method of charging an energy storage device of an external defibrillator that is configured to provide a defibrillation shock to a patient, comprising the steps of:

initiating a physiology analysis of the patient;

completing said physiology analysis of the patient;

initiating a charge of said energy storage device after said initiating said physiology analysis and before said completing said physiology analysis;

measuring a physical parameter of the patient;

determining a rate for charging said energy storage device after said measuring said physical parameter of the patient to substantially complete said charging at a desired point in time, wherein said rate of charging is at least partially based on said physical parameter; and

applying the defibrillation shock to the patient.

In claims 93, 96 and 97, the phrase "claim 92" has been deleted and been replaced with --claim 91--.

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2. The following is an examiner's statement of reasons for allowance: In claims 1, 17, 35, 84 and 91, basing a rate of charging an external defibrillator on a physiology analysis or physical parameter of a patient, when combined with the rest of the limitations of the claims, has not been taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D. Bertram whose telephone number is 571-272-3446. The examiner can normally be reached on Monday-Thursday from 8:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on 571-272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

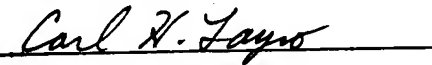
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric D. Bertram
Examiner
Art Unit 3766

EDB

Carl Layno
Supervisory Patent Examiner
Art Unit 3766


CARL LAYNO
PRIMARY EXAMINER
ACTING SPE, AU3766